

Message

From: Manzanilla, Enrique [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0482B3CC383348B887A1800BC40C0A72-EMANZANI]
Sent: 7/3/2018 3:19:43 PM
To: Deborah Jordan [Jordan.Deborah@epa.gov]
Subject: West Van Buren

FYSA

From: Strauss, Alexis
Sent: Tuesday, January 30, 2018 2:55 PM
To: Quast, Sylvia <Quast.Sylvia@epa.gov>; Manzanilla, Enrique <Manzanilla.Enrique@epa.gov>
Subject: Fwd: response from EPA about your email to Mr. Henry Darwin

Begin forwarded message:

From: "Kimball III, David P." <DPK@gknet.com>
Date: January 30, 2018 at 5:18:52 PM EST
To: "Fugh, Justina" <Fugh.Justina@epa.gov>
Cc: "Darwin, Henry" <darwin.henry@epa.gov>, "Strauss, Alexis" <Strauss.Alexis@epa.gov>
Subject: RE: response from EPA about your email to Mr. Henry Darwin

Ms. Fugh:

Thank you for the response. For the record, I did not request Mr. Darwin "to request a meeting with EPA Region 9" and to "participate" in a specific remediation project. I advised Mr. Darwin that "I" had requested a meeting with Region 9 and that it was "our hope" that Mr. Darwin could "serve as a resource to EPA Region IX" because of his "background" on the matter. If I understand your email, Mr. Darwin is unable to serve even as a "resource" to EPA Region 9. That certainly is EPA's call.

Dave

From: Fugh, Justina [mailto:Fugh.Justina@epa.gov]
Sent: Tuesday, January 30, 2018 2:21 PM
To: Kimball III, David P. <DPK@gknet.com>
Cc: Darwin, Henry <darwin.henry@epa.gov>; Strauss, Alexis <Strauss.Alexis@epa.gov>
Subject: response from EPA about your email to Mr. Henry Darwin

Dear Mr. Kimball,

My name is Justina Fugh, and I'm the Senior Counsel for Ethics at the United States Environmental Protection Agency (EPA). I am writing in response to your recent email to Henry Darwin, who is now EPA's Chief Operating Officer. You asked Mr. Darwin to request a meeting with EPA Region 9 and to participate in a specific remediation project that is of interest to you and your client. You indicate that Mr. Darwin worked personally and substantially on this project while employed with the Arizona Department of Environmental Quality.

I regret to inform you that EPA cannot allow Mr. Darwin to assist you with your request. As a federal employee, Mr. Darwin is subject to the Standards of Ethical Conduct for Employees of the Executive Branch that include provisions about loss of impartiality. See 5 C.F.R. Part 2635, Subpart E. And, as a political appointee, Mr. Darwin is also subject to Executive Order 13770 and the Trump Ethics Pledge that he signed.

My office has counseled Mr. Darwin that he should not participate in any specific party matter that involves his former employer, the State of Arizona, pursuant to 5 C.F.R. § 2635.502(b)(1)(iv). To avoid even the appearance of a loss of impartiality in this instance, we advised that he should decline to be involved in the RID remediation project as you request.

On behalf of Mr. Darwin, thank you for your inquiry.
With best regards,
Justina Fugh

Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308 North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the zip code) | phone 202-564-1786 | fax 202-564-1772

From: Kimball III, David P. [<mailto:DPK@gknet.com>]
Sent: Friday, January 26, 2018 2:26 PM
To: Darwin, Henry <darwin.henry@epa.gov>
Subject: Roosevelt Irrigation District (RID)

Henry:

I expect you are still feeding from a firehose, but as COO for EPA and having been directly involved in the RID remediation project at ADEQ, I am forwarding to you my recent email to Alexis Strauss as Acting Regional Administrator for EPA Region IX requesting a meeting to discuss the ADEQ-approved and NCP-compliant RID remedial action.

The RID remedial action at the WVBA WQARF Site is fully in line with EPA's initiative to streamline and encourage P3 opportunities in accelerating remediation at reduced or no cost to Arizona or EPA. Our hope is that with your background, you could be a resource for EPA Region IX on the RID remediation project.

Hope all is well.

Dave

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